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8 UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
10 OAKLAND DIVISION

11 UNITED STATES OF AMERICA,)	NO. 17-CR-24-JST
)	
12 Plaintiff,)	
)	STIPULATION AND PROPOSED
13 v.)	ORDER TO CONTINUE SENTENCING
)	HEARING DATE
14 ALBERTO ACOSTA,)	
)	Hearing Date: January 26, 2018
15 Defendant.)	
16 _____)	

17 The above-captioned matter is set on January 26, 2018, before this Honorable Court for a
18 sentencing hearing. The parties jointly request that the Court continue this matter to March 16,
19 2018, at 9:30 a.m., for sentencing. The reason for this continuance is set forth below.

20 Mr. Acosta pleaded guilty to being a felon in possession of a firearm. In the plea
21 agreement, the parties dispute an enhancement for the possession of a high-capacity magazine.
22 The government produced new discovery concerning this issue on January 8, 2018, and the
23 defense needs additional time to review this discovery and to assess the issue for sentencing. The
24 government also plans to conduct a test-fire of the two magazines in question at a firing range, and
25 the defense has requested to have a firearms expert present at the test-fire exercise.

26 In addition, defense counsel is starting a lengthy trial on February 5, 2018, in *United States*
27 *v. James Lucero*, 16-CR-107 HSG. The case is currently set to last two weeks but will likely go
28 longer. There are over 1000 exhibits and the government has noticed 60 witnesses, which includes

1 more than a dozen experts. Defense counsel is busy preparing for this upcoming trial and thus
2 needs additional time to prepare an appropriate sentencing memorandum for the Court. The
3 parties have contacted Karen Mar who is the probation officer assigned to this case. Ms. Mar is
4 available on the requested date and has no objection to this continuance. There are no Speedy
5 Trial issues to consider, since Mr. Acosta has already entered his guilty plea.

6 Dated: January 10, 2018

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8 Respectfully submitted,

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10 /s/
11 CHRISTINA M. McCALL
12 Assistant United States Attorney

13 /s/
14 ANGELA M. HANSEN
15 Assistant Federal Public Defender
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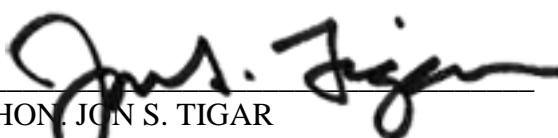
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~~[PROPOSED]~~ ORDER

Based on the reasons provided in the stipulation of the parties above, and for good cause shown, the Court hereby ORDERS that the sentencing hearing date of January 26, 2018 is vacated and reset for March 16, 2018, at 9:30 a.m.

January 10, 2018

DATE



HON. JON S. TIGAR
United States District Judge